

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Docket No. 2004-311-C

In Re:

Application of Time Warner Telecom of South)
Carolina, L.L.C. to amend its Certificate)
of Public Convenience and Necessity to)
provide Local Exchange Telecommunications)
Services in additional areas of the State of)
South Carolina)

MOTION FOR EXPEDITED REVIEW OF APPLICATION

Comes now the Applicant Time Warner Telecom of South Carolina, LLC ("Time Warner Telecom" or "Applicant") who hereby moves pursuant to S.C. Code Reg. 103-820, 103-840 and other applicable rules of practice and procedure of the South Carolina Public Service Commission ("Commission") that the Commission perform an expedited review of Time Warner Telecom's application to amend its Certificate of Public Convenience and Necessity under Order No. 2001-93 to authorize Time Warner Telecom to provide local exchange telecommunications services throughout the State of South Carolina. Order No. 2001-93 authorized the Applicant to offer local telecommunications services to customers in the service area of BellSouth Telecommunications, Inc. and interexchange telecommunications services to customers throughout the State. Time Warner Telecom requests that the Commission use its discretionary authority to informally dispose of the proceeding without holding a formal hearing. In support of this motion Time Warner Telecom would show the following:

FACTUAL BACKGROUND

1. The Applicant published notice of the filing of the application in area newspapers as required by the Commission. The deadline for filing petitions to intervene in the proceeding was December 31, 2004.

2. On December 30, 2004, South Carolina Telephone Coalition intervened in the proceeding. The South Carolina Telephone Coalition and Time Warner Telecom agreed to amend the original stipulation filed in Docket No. 2000-505-C and incorporated into Order No. 2001-93. Correspondence from Ms. Fox regarding the amendment and the amended stipulation are attached and incorporated by reference as Exhibit 1. As a result of the amended Stipulation, the South Carolina Telephone Coalition does not oppose the application. The Office of Regulatory Staff does not oppose the expansion of Time Warner Telecom's service area and has consented to the motion. No other comments or petitions to intervene have been filed.

3. Time Warner Telecom is a limited liability company organized under the laws of the State of Delaware. Time Warner Telecom was authorized to offer local telecommunications services to customers in the service area of BellSouth Telecommunications, Inc. and interexchange telecommunications services to customers throughout the State in Docket No. 2000-505-C, Order No. 2001-93, dated January 31, 2001.

4. Time Warner Telecom seeks authority to provide facilities-based and resold local exchange services in all areas of South Carolina. Time Warner Telecom has negotiated an interconnection agreement with ALLTEL. Upon approval of the application, Time Warner Telecom would begin offering local exchange services in the ALLTEL service area and in the future may provide services in the Verizon and Sprint service areas. As the service areas of the remaining rural

incumbent local exchange carriers become open to competition or as interconnection agreements are negotiated, Time Warner Telecom would then expand its service offerings to include those service areas. Time Warner Telecom's financial, technical and managerial qualifications are more fully described in the verified testimony of Carolyn Marek which is attached and incorporated by reference as exhibit 2.

ARGUMENT

5. Time Warner Telecom filed its application pursuant to S.C. Code Ann. § 58-9-280(B) seeking a certificate of Public Convenience and Necessity to provide local exchange telecommunications services. Section 58-9-280(B) provides that "[a]fter notice and an *opportunity to be heard*, the Commission may grant a certificate to operate as a telephone utility...to applicants proposing to furnish local telephone service in the service territory of an incumbent LEC...." S.C. Code Ann. § 58-9-280(B) (Supp. 2003). Notice has been published as required by the Commission and any interested party, including Time Warner Telecom has thus had an *opportunity* for a hearing. Therefore, the Commission has satisfied the statutory requirements. Time Warner Telecom submits that the Commission now has the discretion under Section 58-9-280(B) to consider Time Warner Telecom's application without a full, evidentiary hearing.

6. Time Warner Telecom seeks expedited review of its application on the grounds that (1) the South Carolina Administrative Procedures Act ("APA") grants the Commission flexibility regarding hearings in contested matters, (2) due process requirements are satisfied if Time Warner Telecom waives the right to a hearing when there is no disputed material issue of fact, and (3) notice and the opportunity to present written evidence is sufficient to provide the procedural due process protection required under the APA.

7. Administrative agencies in South Carolina "are required to meet minimum standards of due process. Due process is flexible and calls for such protections as the particular situation demands." Stono River Environmental Protection Association v. S.C. Dept. of Health and Environmental Control, 406 S.E.2d 340, 342 (S.C. Sup. Ct. 1992); Anonymous v. State Board of Medical Examiners, 473 S.E.2d 870 (S.C. Ct. App. 1996) citing Morrissey v. Brewer, 408 U.S. 471, 481 (1972).

The APA provides that "in a contested case, all parties must be afforded an opportunity for hearing after notice not less than thirty days." S.C. Code Ann. § 1-23-320(a) (Supp. 1998). The APA defines "contested case" as "a proceeding, including but not restricted to ratemaking, price fixing, and licensing, in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing." S.C. Code Ann. § 1-23-310(2) (Supp. 1998).

The provisions of the APA ensure that procedural due process requirements are satisfied. The APA also provides some flexibility to agencies regarding hearings for contested cases. "Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default." S.C. Code Ann. § 1-23-320(f) (Supp. 1998).

Notice of the company's application was published as required by the Commission. Therefore, notice and an opportunity for a hearing have been provided as required by the APA and S.C. Code Ann. Section 58-9-280(B). The South Carolina Telephone Coalition, has withdrawn its opposition after entering amending the stipulation with Time Warner Telecom and the Office of Regulatory Staff has consented to the motion. See attached exhibit 1.

Time Warner Telecom is currently certified to provide local and long distance telecommunication services in South Carolina and has been offering a full array of

telecommunications services since it received its original certificate in 2001. Therefore, the Commission is aware of the technical, managerial and financial background relied upon by Time Warner Telecom in its application. Time Warner Telecom respectfully requests that the Commission apply section 1-23-320(f) of the APA and informally dispose of the proceeding without requiring a formal hearing.

8. Holding a formal hearing "is appropriate where adjudicative facts involving the particular parties are at issue. Conversely, an agency may ordinarily dispense with hearing where there is no genuine dispute as to a material issue of fact." 2 Am. Jur.2d *Administrative Law* § 298. In addition, "the right to a hearing...may be waived." 2 Am. Jur.2d *Administrative Law* § 296.

Time Warner Telecom is requesting the hearing be waived and there are no intervenors opposing its certification in the proceeding. Time Warner Telecom's financial, technical and managerial qualifications are outlined in the testimony of Ms. Marek which is attached as exhibit 2. The Commission has previously held a hearing concerning Time Warner Telecom's fitness to provide telecommunications services in the state. Therefore, there is no material issue of fact to be decided at a formal hearing.

9. Notice and the opportunity to present written evidence would satisfy due process requirements for the Time Warner Telecom application. Case law in other jurisdictions supports the proposition that holding a hearing is not required in all situations. One case noted that the "flexibility of the scope of due process is a recognition that not all situations calling for procedural safeguards call for the same kind of procedure....There are times when no more is required than notice and the opportunity to present reasons, either orally or in writing, why the proposed action should not be

taken." Bartlett v. Krause, 551 A.2d 710, 722 (Ct. Sup. Ct. 1988).

Another case noted that "[d]ue process does not always require an administrative agency to hold an evidentiary hearing before it goes about the business it was created to conduct....Sometimes nothing more is required than notice and the opportunity to present reasons, either orally or in writing, why the proposed action should not be taken." In the Matter of the Request for Solid Waste Utility Customer Lists, 524 A.2d 386, 393 (N.J. Sup. Ct. 1987). In Request for Solid Waste, the Court held that since "the proceeding did not involve any disputed facts, a full evidentiary hearing would have been unnecessary and burdensome, both fiscally and administratively, to the agency." Id.

Time Warner Telecom has presented the information required under S.C. Code § 58-9-280(B) in its application and the attached testimony of Carolyn Marek. Since the Office of Regulatory Staff has consented to the motion and the amended Stipulation with the South Carolina Telephone Coalition settled the only intervention in this docket, Time Warner Telecom asserts that a full evidentiary hearing on its application is unnecessary.

WHEREFORE, Time Warner Telecom respectfully requests that the Commission informally dispose of the proceeding without holding a hearing and grant its request for a Certificate of Public Convenience and Necessity to Provide Resold Local Exchange Telecommunications Services and that the Commission regulate its local telecommunications services in accordance with the principles and procedures established for flexible regulation in Order Number 98-165 in Docket Number 97-467-C as modified by Order No. 2001-997.

Dated this 3rd day of February, 2005.

ROBINSON, McFADDEN & MOORE, P.C.

By Bonnie D. Shealy
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Columbia, SC 29202
Telephone (803) 779-8900
Facsimile (803) 252-0724

Attorneys Time Warner Telecom of South Carolina,
LLC

WE CONSENT:

OFFICE OF REGULATORY STAFF

By: C. L. Helms
Florence Belser, General Counsel
Wendy Cartlege, Staff Attorney
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Post Office Box 11263
Columbia, South Carolina 29211
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MCNAIR LAW FIRM, P.A.
ATTORNEYS AND COUNSELORS AT LAW

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EXHIBIT 1

BANK OF AMERICA TOWER
1301 GERVAIS STREET, 17th FLOOR
COLUMBIA, SOUTH CAROLINA 29201

POST OFFICE BOX 11390
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE (803)799-9800
FACSIMILE (803)376-2277

February 1, 2005

VIA HAND DELIVERY

Mr. Charles L. A. Terreni
Chief Clerk and Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia, South Carolina 29210

**Re: Time Warner Telecom of South Carolina, LLC
Docket No. 2004-311-C**

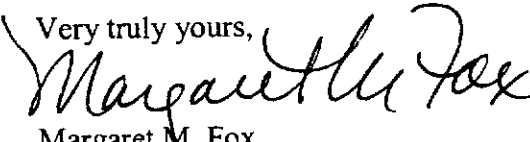
Dear Mr. Terreni:

Enclosed for filing on behalf of the South Carolina Telephone Coalition please find ten copies of a stipulation between Time Warner Telecom, LLC ("Time Warner") and the SCTC.

Time Warner was granted a certificate to provide telecommunications services in certain areas of South Carolina in Docket No. 2000-505-C. In the current docket, No. 2004-311-C, Time Warner is asking to expand the certificate it received in Docket No. 2000-505-C.

The enclosed stipulation, which was entered into in Docket No. 2000-505-C, continues in effect. We are filing it in this docket for the Commission's information and to ensure consistency between the two dockets. The only difference to be noted is that ALLTEL South Carolina, Inc. has agreed that it will not be part of the stipulation with Time Warner on a going-forward basis. Therefore, the enclosed copies of the stipulation include a Revised Attachment A (South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation) with ALLTEL omitted from the list.

Thank you for your assistance in this matter.

Very truly yours,

Margaret M. Fox

MMF/rwm

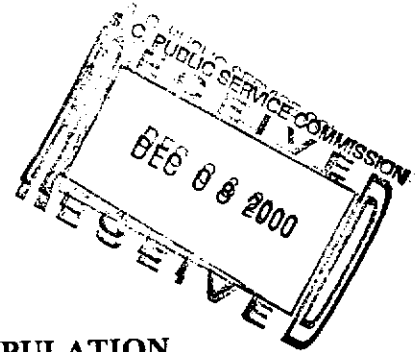
cc: Parties of record
William R. Craigle

COLUMBIA 815822v1

ANDERSON • CHARLESTON • CHARLOTTE • COLUMBIA • GEORGETOWN • GREENVILLE • HILTON HEAD ISLAND • MYRTLE BEACH • RALEIGH

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

Docket No. 2000-505-C



Re: Application of Time Warner Telecom of South)
Carolina, L.L.C. for a Certificate of Public)
Convenience and Necessity to Provide Facilities-)
based and Resold Local and Interexchange)
Telecommunications Services in the State of)
South Carolina)

STIPULATION

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Time Warner Telecom of South Carolina, L.L.C. ("Time Warner") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose Time Warner' Application. SCTC and Time Warner stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Time Warner, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
2. Time Warner stipulates and agrees that any Certificate which may be granted will authorize Time Warner to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.
3. Time Warner stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.
4. Time Warner stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless

and until Time Warner provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Time Warner acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. Time Warner stipulates and agrees that, if Time Warner gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then Time Warner will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. Time Warner acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

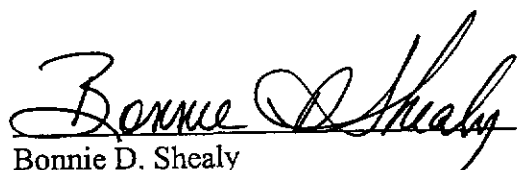
7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and Time Warner, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. Time Warner Telecom agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

9. Time Warner Telecom hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 7th day of December, 2000.

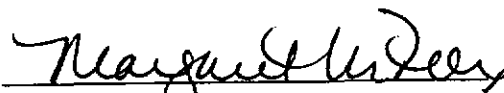
Time Warner Telecom of South Carolina, LLC



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(803)779-8900

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of South Carolina, LLC

South Carolina Telephone Coalition



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(803) 799-9800

Attorneys for the South Carolina Telephone
Coalition

REVISED
ATTACHMENT A
South Carolina Telephone Coalition Member Companies
for Purposes of Local Service Stipulation

Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company
Heath Springs Telephone Company Inc.
Home Telephone Company, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

Docket No. 2004-311-C

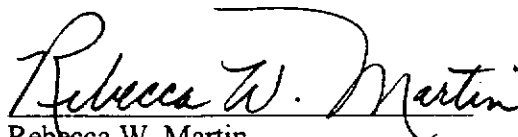
IN RE: Application of Time Warner Telecom of South)
Carolina, LLC to amend its Certificate of Public)
Convenience and Necessity to Provide Local)
Exchange Telecommunications Services In)
Additional Areas of the State of South Carolina)
_____)

**CERTIFICATE
OF SERVICE**

This is to certify that I, Rebecca W. Martin, an employee with the McNair Law Firm, P. A., have this date served one (1) copy of a Stipulation on behalf of the South Carolina Telephone Coalition in the above-referenced matter to the persons named below by causing said copy to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below.

Bonnie D. Shealy, Esquire
Robinson McFadden
Post Office Box 944
Columbia, South Carolina 29202

Florence Belser, Esquire
Office of Regulatory Staff
Post Office Box 11263
Columbia, South Carolina 29211



Rebecca W. Martin
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800

February 1, 2005

Columbia, SC

EXHIBIT 2

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Docket No. 2004-311-C

In Re:

Application of Time Warner Telecom of South)
Carolina, L.L.C. to amend its Certificate)
of Public Convenience and Necessity to)
provide Local Exchange Telecommunications)
Services in additional areas of the State of)
South Carolina)

TESTIMONY OF CAROLYN M. MAREK

1 Q. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS FOR THE
2 RECORD.

3 A. My name is Carolyn Marek. I am Vice President of Regulatory Affairs for Time Warner
4 Telecom. My business address is 233 Bramerton Court, Franklin, Tennessee 37069. My
5 telephone number is (615) 376-6404, facsimile is (615) 376-6405, email address is
6 Carolyn.Marek@twtelecom.com.

7 Q. WHAT ARE YOUR RESPONSIBILITIES AS VICE PRESIDENT OF REGULATORY
8 AFFAIRS FOR TIME WARNER TELECOM?

9 A. I am responsible for legislative and regulatory affairs for Time Warner's telecommunications
10 operations in the southeast region which includes South Carolina, North Carolina, Florida,
11 Tennessee, Mississippi, Georgia, and Kentucky.

12 Q. PLEASE GIVE A BRIEF DESCRIPTION OF YOUR BACKGROUND AND
13 EXPERIENCE.

14 A. I joined Time Warner Telecom in January 1995. I have extensive managerial and regulatory
15 experience in the telecommunications industry. I worked with AT&T Corp. from 1981 to
16 1994 in various managerial and regulatory positions, including National Account Manager,
17 Senior Project Manager/NETS (National Emergency Telecommunications Service), State
18 Manager for Government Affairs in Kentucky, and Executive Assistant to the President of
19 Network Systems - Affiliate Customer Business Unit. I received a M.B.A. degree in 1989
20 from Marymount University in Arlington, Virginia, and a B.S. degree in 1981 from George
21 Mason University in Fairfax, Virginia.

22 Q. PLEASE BRIEFLY DESCRIBE YOUR COMPANY'S CORPORATE STRUCTURE.

23 A. Time Warner Telecom of South Carolina, LLC ("Time Warner-SC" or "Applicant") is a
24 limited liability company organized under the laws of the State of Delaware. We submitted

1 the company's Certificate of Formation and Certificate of Authority to Transact Business in
2 South Carolina in our initial certification application in Docket No. 2000-505-C. We
3 incorporate by reference both documents. The sole member of Time Warner Telecom-SC is
4 Time Warner Telecom, Inc., a Delaware corporation. Time Warner Telecom, Inc. is a
5 facilities-based provider of local exchange telecommunications services and a reseller of
6 interexchange services in several states throughout the United States. Time Warner Telecom-
7 SC will rely on the financial resources and technical expertise of its parent corporation Time
8 Warner Telecom, Inc. to provide services in South Carolina.

9 Q. ARE YOU FAMILIAR WITH THE APPLICATION YOUR COMPANY SUBMITTED TO
10 THIS COMMISSION?

11 A. Yes.

12 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

13 A. The purpose of my testimony is to present evidence on the financial, technical and
14 managerial abilities of Time Warner Telecom-SC to provide local telecommunications
15 services in South Carolina; to describe the services the company proposes to offer; and to
16 discuss the expansion of our service area throughout the State.

17 Q. PLEASE DISCUSS THE MANAGERIAL ABILITY OF TIME WARNER TELECOM-SC
18 TO PROVIDE TELECOMMUNICATIONS SERVICES IN SOUTH CAROLINA.

19 A. The officers of the company have extensive managerial and technical experience in the
20 telecommunications industry. Time Warner Telecom relies on the same individuals identified
21 in its initial certification application with the exception of Graham Powers and Joe McCourt.
22 Time Warner Telecom, Inc. will continue to provide operational monitoring and control
23 capabilities for customer support in the National Operations Center in Colorado.

24 In addition, Time Warner Telecom-SC relies on its local employees Tejay

1 Beauparlant and Jim Dickens. Mr. Beauparlant is the General Manager and has worked for
2 numerous telecommunications companies including SBT/BellSouth and Adelphia Business
3 Solutions. Mr. Dickens has also worked for several telecommunications companies
4 beginning in 1988 with Sprint, and then with e.spire Communications. He joined Time
5 Warner Telecom -SC in 2001 and is our Director of Operations. Attached to Time Warner
6 Telecom -SC's application as Exhibit 2 are brief descriptions of key Time Warner Telecom
7 management personnel. These descriptions demonstrate that Time Warner Telecom -SC will
8 be managed and operated by a team of well-qualified and seasoned telecommunications
9 professionals who are capable of operating a telecommunications carrier that provides
10 sophisticated, state-of-the-art telecommunications services.

11 Q. DESCRIBE TIME WARNER TELECOM-SC'S FINANCIAL ABILITY TO OPERATE
12 AS A TELECOMMUNICATIONS CARRIER.

13 A. Time Warner Telecom, Inc., the parent company of Time Warner Telecom -SC, maintains a
14 relationship which provides funding, financing, and the capital necessary to provide services
15 to customers in the expanded service area. Time Warner Telecom -SC has provided the
16 Commission with a copy of Time Warner Telecom, Inc.'s SEC Form 10-Q which contains
17 balance sheets and income statements for the periods ending June 30, 2004. These financial
18 statements demonstrate that Time Warner Telecom -SC has access to sufficient financial
19 resources to provide telecommunications services in the expanded area in South Carolina and
20 to meet its cash needs.

21 Q. PLEASE DESCRIBE THE OPERATIONS OF THE COMPANY AND THE SERVICES IT
22 PROPOSES TO OFFER IN SOUTH CAROLINA.

23 A. Time Warner Telecom -SC seeks authority to provide the same facilities-based local
24 exchange services, including, but not limited to, broadband data and voice services to

1 business customers throughout the State of South Carolina. Time Warner Telecom -SC
2 intends to begin offering local exchange services in the ALLTEL South Carolina, Inc. service
3 area and in the future may provide service in the Verizon and Sprint service areas. When the
4 service areas of the remaining rural incumbent local exchange carriers become open to
5 competition or as interconnection agreements are negotiated, Time Warner Telecom -SC
6 would then expand its service offerings to include those areas at that time.

7 Q. HAS THE COMPANY EXECUTED A STIPULATION WITH THE SOUTH CAROLINA
8 TELEPHONE COALITION?

9 A. Yes, we executed a stipulation in our original certification application, Docket No. 2000-
10 505-C. We agree to amend the stipulation by deleting ALLTEL from the list of participating
11 companies in the amended stipulation. We are aware of the concerns of the Coalition and
12 have agreed to give the remaining rural ILEC's and the Commission thirty days written
13 notice of our intent to provide local service to a customer located in a rural ILEC's service
14 area as outlined in the amended Stipulation. As discussed above, when these rural areas are
15 open to competition or as interconnection agreements are negotiated, Time Warner Telecom
16 -SC would then serve those areas. Time Warner Telecom -SC seeks certification for the
17 entire State subject to the notice requirement agreed to in the amended stipulation with the
18 South Carolina Telephone Coalition.

19 Q. WHAT FACILITIES WILL TIME WARNER TELECOM -SC USE TO PROVIDE ITS
20 PROPOSED LOCAL TELECOMMUNICATIONS SERVICES?

21 A. Time Warner Telecom -SC will predominately use its own facilities to provide the local
22 exchange services proposed, supplementing its network with network components purchased
23 from the incumbent carrier or another competing carrier where necessary. The facilities
24 include state-of-the-art digital switching equipment capable of instantaneously directing both

1 analog and digital, as well as narrowband and broadband signals around the world. The
2 network is comprised of fiber optic rings supporting a number of points of presence, local
3 serving offices and multiple customer locations. The network, which is designed to
4 accommodate future growth, will be interconnected with that of the incumbent local
5 exchange carriers.

6 Q. WHICH CARRIER OR CARRIERS SERVE AS YOUR UNDERLYING CARRIER FOR
7 INTEREXCHANGE SERVICES?

8 A. At present, Time Warner Telecom uses AT&T, MCI and Broadwing as its underlying
9 carriers depending on the type of traffic; the geographic origination of the call; and the
10 applicable pricing plans of the carriers.

11 Q. HAS YOUR COMPANY BEGUN NEGOTIATIONS WITH ALLTEL IN SOUTH
12 CAROLINA?

13 A. Yes. Time Warner Telecom-SC has finalized the negotiations with Alltel and anticipates it
14 will soon file the executed interconnection agreement in South Carolina with ALLTEL South
15 Carolina, Inc. Time Warner Telecom -SC has already negotiated interconnection agreements
16 with Sprint and GTE/Verizon in other states in which it operates including North Carolina
17 and Florida and will expand those interconnection agreements to South Carolina as the
18 business plan warrants.

19 Q. HOW WILL TIME WARNER TELECOM -SC BILL FOR ITS SERVICES?

20 A. Time Warner Telecom will use outside vendors and internal billing professionals to bill
21 customers for its services on a monthly basis. Time Warner Telecom -SC may require
22 customer deposits prior to initiation of service as permitted by the Commission's regulations.
23 In the event a customer has a question about his monthly statement, Time Warner Telecom -
24 SC's name, address and toll free telephone number, (888)-333-0520, will appear on the

1 monthly statement.

2 Q. HOW WILL TIME WARNER TELECOM-SC MARKET ITS SERVICES?

3 A. Time Warner Telecom -SC plans to solicit customers directly through its own sales
4 representatives and through general advertising. Applicant also expects to receive referrals
5 from current customers in other existing local markets.

6 Q. DOES TIME WARNER TELECOM -SC USE TELEMARKETING AS A METHOD FOR
7 SELLING ITS SERVICES?

8 A. No.

9 Q. HOW ARE CUSTOMER INQUIRIES/DISPUTES HANDLED?

10 A. Customers will be able to contact the company's customer service center by using its toll-free
11 telephone number, (888) 333-0520. Customer service representatives will be available
12 twenty-four hours per day, seven days a week. Customer service orders, inquiries, and
13 complaints are handled initially at Applicant's National Operation Center in Greenwood
14 Village, Colorado. Remote servicing is coordinated with local provisioning as necessary.

15 Q. IN WHAT OTHER STATES HAS TIME WARNER TELECOM -SC OR TIME WARNER
16 TELECOM, INC. RECEIVED AUTHORITY TO PROVIDE SERVICES?

17 A. Time Warner Telecom and its affiliated companies are providing a full range of services to
18 business customers in Texas, North Carolina, New York, New Jersey, Ohio, Tennessee,
19 Florida, Indiana, Wisconsin, California, Hawaii, Mississippi, Georgia, Idaho, New Mexico,
20 Nevada, Utah, Washington, Oregon, Arizona, Minnesota, Maine and Colorado.

21 Q. WHERE DOES TIME WARNER TELECOM, INC. CURRENTLY HAVE
22 APPLICATIONS PENDING TO PROVIDE SERVICES?

23 A. There are no other applications pending at this time.

24 Q. HAS TIME WARNER TELECOM -SC OR TIME WARNER TELECOM, INC.'s

1 AFFILIATED COMPANIES EVER BEEN DENIED CERTIFICATION IN ANOTHER
2 STATE?

3 A. No.

4 Q. HAS TIME WARNER TELECOM -SC OR TIME WARNER TELECOM, INC.'s
5 AFFILIATED COMPANIES EVER BEEN SUBJECT TO ANY FEDERAL OR STATE
6 INVESTIGATION REGARDING ITS SERVICES?

7 A. Yes, but all investigations have been satisfactorily resolved.

8 Q. WHY IS THE COMPANY SEEKING EXEMPTIONS FROM USOA, DIRECTORY
9 PUBLISHING, MAINTAINING RECORDS IN SOUTH CAROLINA, AND CERTAIN
10 REPORTING REQUIREMENTS?

11 A. The Commission granted Time Warner Telecom -SC certain waivers in Order No. 2001-93.
12 Time Warner Telecom requests a continued waiver of the same requirements in regard to this
13 request to amend its certificate for these additional service areas. Specifically the
14 Commission waived the requirements of 26 S.C. Regs. 103-610 and 103-631 and waived
15 policies that might require a carrier to maintain its financial records in conformance with
16 USOA.

17 Q. IN YOUR OPINION, WOULD THE ISSUANCE OF AN AMENDED CERTIFICATE TO
18 TIME WARNER TELECOM -SC BE IN THE PUBLIC INTEREST?

19 A. Yes. Competition serves the public interest by bringing about lower rates, improved quality
20 of service, and enhanced services. Granting Time Warner Telecom -SC's application will
21 further increase telecommunications competition throughout South Carolina. Time Warner
22 Telecom -SC's network will utilize state-of-the-art technology and increase the options South
23 Carolina consumers have. Moreover the presence of Time Warner Telecom -SC in the
24 market will increase the incentives for the ILEC's to reduce their prices, offer more

1 innovative services, and improve their quality of service, thereby benefiting all consumers in
2 South Carolina. Furthermore, Time Warner Telecom -SC has made a significant investment
3 within South Carolina and provides employment opportunities for South Carolina residents.

4 Q. WILL THE SERVICE YOUR COMPANY INTENDS TO PROVIDE MEET THE
5 SERVICE STANDARDS OF THE COMMISSION THROUGHOUT THE STATE?

6 A. Yes.

7 Q. WILL GRANTING YOUR APPLICATION ADVERSELY IMPACT THE AVAILABILITY
8 OF AFFORDABLE LOCAL EXCHANGE SERVICE?

9 A. No. As indicated earlier, granting our application should enhance competition in the South
10 Carolina telecommunications market. Greater competition, in turn, should increase
11 downward pressure on rates, enhance product and service quality and diversity, and generate
12 greater network efficiencies, all to the ultimate benefit of consumers.

13 Q. IS TIME WARNER TELECOM -SC REQUESTING RELAXED REGULATORY
14 TREATMENT FOR THE EXPANDED SERVICE AREA?

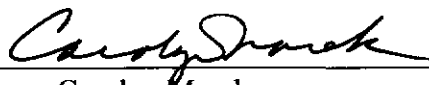
15 A. Yes. We will be a non-dominant, competitive provider of local exchange
16 telecommunications services. Time Warner Telecom -SC, therefore, requests that the
17 Commission regulate it in the same relaxed fashion authorized in Order No. 98-165 in
18 Docket No. 97-467-C and extended to other similarly situated carriers. We understand that
19 this flexible regulatory treatment requires that we file maximum rates for our service
20 offerings. Local tariff filings would be presumed valid once they are filed subject to the
21 Commission's right to investigate the filing within thirty days.

22 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

23 A. Yes.


VERIFICATION

Carolyn Marek, being first duly sworn, on oath, deposes and states that she is Vice President of Regulatory Affairs for Time Warner Telecom and that she has read the above and foregoing testimony and knows the contents thereof, and that the same are true to the best of her knowledge, information and belief.



Carolyn Marek
Vice President of Regulatory Affairs
Time Warner Telecom

Subscribed and sworn to before me
this 10th day of January, 2005.


Notary Public for **TENNESSEE**
My Commission expires on Sept 27, 2007

CHERYL ROBIN JORDAN
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIESS COUNTY, TENN.
My Commission Expires
September 27, 2007

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2004-311-C**

In Re:

Application of Time Warner
Telecom of South Carolina, L.L.C.
to amend its Certificate of Public
Convenience and Necessity to
provide Local Exchange
Telecommunications Services in
additional areas of the State of
South Carolina

CERTIFICATE OF SERVICE

This is to certify that I, Toni C. Hawkins, a paralegal with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **Motion for Expedited Review of Application** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Florence Belser, General Counsel
Carolyn "Lessie" Hammonds, Staff Attorney
Office of Regulatory Staff
Post Office Box 11263
Columbia, South Carolina 29211

Margaret M. Fox, Esquire
McNair Law Firm
Post Office Box 11390
Columbia, South Carolina 29202

Dated at Columbia, South Carolina this 3rd day of February 05.



Toni C. Hawkins